

O R R I C K

RECEIVED
CENTRAL FAX CENTER

DEC 17 2005

ORRICK, HERRINGTON &
SUTCLIFFE LLP
4 PARK PLAZA, SUITE 1600
IRVINE, CA 92614tel 949-567-6700
fax 949-567-6710
WWW.ORRICK.COM**FAX TRANSMISSION****DATE** December 7, 2005**NO. OF PAGES 3**
(INCLUDING COVER SHEET)**FROM**

| | | |
|------------------|------------|--------------|
| <i>name</i> | <i>tel</i> | <i>fax</i> |
| Kurt T. Mulville | | 949/567-6710 |

TO

| | | | |
|---|---------------------|--------------|--------------|
| <i>name</i> | <i>company/firm</i> | <i>tel</i> | <i>fax</i> |
| Examiner Paul Gurzo, Group Art Unit 2881 | USPTO | 571/272-2472 | 571-273-8300 |

RE United States Patent Application Serial No. 10/806,907, filed March 22, 2004**MESSAGE**

Replacement Terminal Disclaimer attached for above patent application.

C-M-A

**IF YOU DO NOT RECEIVE ALL PAGES, PLEASE CALL LYNNE FULMER AT
949/567-6700 AS SOON AS POSSIBLE.***notice to recipient*

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED TO BE SENT ONLY TO THE STATED ADDRESSEE OF THE TRANSMISSION. IT MAY BE PROTECTED FROM UNAUTHORIZED USE OR DISSEMINATION BY THE ATTORNEY-CLIENT PRIVILEGE, THE ATTORNEY WORK-PRODUCT DOCTRINE, OR ANY OTHER APPLICABLE PRIVILEGE. IF YOU ARE NOT THE STATED ADDRESSEE, YOUR RECEIPT OF THIS TRANSMISSION WAS UNINTENDED AND INADVERTENT, AND YOU ARE HEREBY NOTIFIED THAT ANY REVIEW, USE, DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. YOU ARE ALSO ASKED TO NOTIFY US IMMEDIATELY BY TELEPHONE AND TO RETURN THE ORIGINAL DOCUMENT TO US IMMEDIATELY BY MAIL AT THE ADDRESS ABOVE. THANK YOU IN ADVANCE FOR YOUR COOPERATION.

DOCSOC1:157139.1

12089-12 K2M

RECEIVED
CENTRAL FAX CENTER

002

DEC 7 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/806,907 Confirmation No. 2395
 Applicant : Jian Bai, Steven M. Fischer and J. Michael Flanagan
 Filing Date : March 22, 2004
 Title : Ambient Pressure Matrix-Assisted Laser Desorption Ionization (MALDI) Apparatus and Method of Analysis
 Group Art Unit : 2881
 Examiner : Paul M. Gurzo
 Docket No. : 10980322-5 (12089.4004)

TERMINAL DISCLAIMER

MAIL STOP AMENDMENT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

I, Kurt T. Mulville, represent that I am an attorney for the above-identified application. The above-identified application has been assigned to AGILENT TECHNOLOGIES, INCORPORATED. AGILENT TECHNOLOGIES, INCORPORATED is currently named as the owner of 100% interest in the above-identified invention, and owner of 100% interest in patent application serial nos. 10/806,908 and 10/806,808 filed March 22, 2004.

AGILENT TECHNOLOGIES, INCORPORATED hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the statutory expiration date of a patent issuing from patent application serial no. 10/806,908 and 10/806,808 filed March 22, 2004. Moreover, AGILENT TECHNOLOGIES, INCORPORATED hereby agrees that any patent so

CERTIFICATE OF TRANSMISSION

Date: December 7, 2005

I hereby certify that on the date listed above, this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to Examiner Paul Gurzo at 571/273-8300 to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


 Lynne Fulmer
DOC/SOC1:169671.1
12089-4004

Applicant : Jian Bai, Steven M. Fischer and J. Michael Flanagan
Appl. No. : 10/806,907
Examiner : Paul M. Gurzo
Docket No. : 10980322-5 (12089.4004)

granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to a patent issuing from patent application serial no. 10/806,908 and 10/806,808 filed March 22, 2004, this agreement to run with any patent granted on the above-identified application and to be binding upon AGILENT TECHNOLOGIES, INCORPORATED its successors, or assigns.

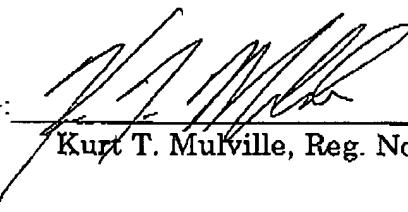
AGILENT TECHNOLOGIES, INCORPORATED does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of a patent issuing from patent applications serial nos. 10/806,908 and 10/806,808 filed March 22, 2004, in the event that both later expire for failure to pay a maintenance fee, are held unenforceable, are found invalid, are statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.312(a), have all claims cancelled by a reexamination certificate, are reissued, or are otherwise terminated prior to expiration of their statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The Commissioner is authorized to charge Orrick Herrington & Sutcliffe's Deposit Account No. 150665 for any fees required that are not covered, in whole or in part, and to credit any overpayments to said Deposit Account No. 150665.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

By:


Kurt T. Mulville, Reg. No. 37,194

Dated: December 7, 2005

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-667-6700, Fax: 949-667-6710